

United States District Court

Oklahoma Northern District

Sebastian Cobelo

Case No 4:19CR00088-1Petitioner

vs

United States of America

Date May 14th, 2024

Motion for Reduction of Term of Imprisonment

FILED

Pursuant Title 18 U.S.C. §3582

MAY 21 2024

In Light of New Amendment 821 part (a)

**Heidi D. Campbell, Clerk
U.S. DISTRICT COURT**

Your Honor, I, Sebastian Cobelo come to you, Pro Se, asking this Honorable Court for a Reduction of Term of Imprisonment pursuant to Title 18 U.S.C §3582, in light of the United States Sentencing Commission's passing of Amendment 821. Identified as Retroactive effective February 1st, 2024

Amendment 821 part (a) amended §4A1.1 (sentencing guidelines) pertaining to the Status Points. Quoting: additional 2 criminal history points given to defendants for the fact of having committed the instant offense while under a criminal justice sentence such as parole, probation, supervised release, etc.

The Amendment 821 part (a) removes the 2 criminal history points for defendants that have 7 points or less and 1 point for those with more than 7 points. Defendants may request a sentence reduction in original sentence ONLY if the removal of the criminal history points effectively lowers the Criminal History Category and thus lowering the sentencing guideline range.

Background:

On July 2nd, 2019 Mr. Cobelo pled guilty to four separate counts. Count 1- 841a.1 Count 2- 924c Count 3- 841b.1 Count 4-924c. Mr. Cobelo received a base offense level of 30 for the quantity and type of drug under United States Sentencing Guidelines. Two levels were added for obstruction of justice. After a three-level reduction for acceptance of responsibility the total offense level was 29. With 7 Criminal History Points, Criminal History Category IV with the guideline range so 121-151 months was assigned. Mr. Cobelo agreed to cooperate, and the United States Government filed a 5k1.1 motion at Mr. Cobelo's sentencing to reflect his cooperation.

Mr. Cobelo was sentenced to 0 years for Count 1-841a1 and 0 years for Count 3-841b1. 4 years for Count 2-924c and 4 years for Count 4-924c. Resulting in a total of 96 months.

Recommendation:

Following the Supreme Court's lead in *Dillon v. United States* 560 US 817, 828, 130 S. CT. 2683, 177 L. Ed 2d 271(2010) the court has recognized that 3582(c)(2) prescribes a two-step inquiry for determining whether a defendant is entitled to have his originally imposed sentence reduced: The first question, a matter of LAW, is whether a sentence reduction is even AUTHORIZED, The second question, a matter of DISCRETION, is whether an authorized reduction is in fact warranted.

As for the first question, the matter of Law, whether a sentence reduction is Authorized Mr. Cobelo believes based on the rules of Amendment 821 part (a) which states in plain language ONLY defendants that are eligible for sentence reduction are defendants who's change in Status Points effectively lowers their Criminal History Category. Mr. Cobelo fits into this category. Currently Mr. Cobelo has 7 Criminal History Points. Under the New Amendment 821 part (a) this would subtract 2 points for a total of 5 points. Lowering Mr. Cobelo's criminal History Category from IV to III. Thus, lowering the sentencing guideline range from 121-151 months to 108-135 months.

As for the second question, the matter of Discretion, whether an authorized reduction is in fact warranted. The plain language of Amendment 821 states the discretion of whether a reduction is given is completely up to the Honorable Judge. For this purpose, Mr. Cobelo would like to provide an argument for a sentence reduction in the hopes of swaying the discretion of the Honorable Court.

Under §1B1.10 Reduction of Term of Imprisonment as a result of Amended Guideline Range Subsection (B)(2)(B) provides the exception to ANY limitations based on the defendant's substantial assistance. The reduction is not limited by Subsection §1B1.10 (B)(2)(a) to the minimum of the amended guideline range. As provided by §1B1.10 (B)(2)(B) the court may provide a reduction comparable to the original sentencing.

Also under §1B1.10 Subsection (C) Cases involving a statutorily required minimum sentence and the court had the authority to impose a sentence below the statutorily required minimum sentence pursuant to Government motion to reflect substantial assistance, then for the purposes of this policy statement the amended guideline range be determined without regard to the operation of §5G1.1 and §5G1.2

Mr. Cobelo was originally sentenced to 96 months. Which is clearly under the guideline range as well as the mandatory minimums based on his cooperation. In this case if Your Honorable Judge wishes to grant a reduction it is within Your Honor's Power without limitations. The same calculations used in original sentencing can be used if appropriate during sentence reduction. §1B1.10 gives examples of the percentage-based method as a comparable reduction, but the Honorable Court is not limited to this method. Any other reasonable method that results in a comparable reduction are available to a sentencing court during a resentencing held pursuant to 18 U.S.C. §3582(c)(2)

Mr. Cobelo's post sentence rehabilitation has been exemplary. He doesn't have a single incident report since being incarcerated. Has completed several classes from Trauma, Parenting, and Drug Education. Mr. Cobelo graduated from the RDAP program

in November of 2022 and continues to this very day as a mentor in the RDAP program. Attached to this motion are certificates and a letter of recommendation from Mr. Cobelo's Drug Treatment Specialist.

Mr. Cobelo has 16 months left before his projected release date. Close to 75% of his time served. Mr. Cobelo has employment awaiting him upon release. Working for A New Life Sober/Transitional Living homes. Mr. Cobelo has plans to be involved in as much of the area's recovery projects as possible. Believing he has much to offer. Mr. Cobelo has two young children ages 7 and 8 that he is trying to rebuild trust and communication with. Anxiously wanting to be a part of their lives. Mr. Cobelo is ready to be a productive member in society and rebuild a on a life he allowed his past decisions to destroy.

In closing Mr. Cobelo is coming today asking for a sentence reduction. With an understanding any reduction is strictly up to Your Honors discretion. Mr. Cobelo is willing to accept any reduction Your Honor finds appropriate in this situation. Thank you for your time and concern in this matter.

Very truly,

Sebastian Cobelo- 05043-089

Federal Correctional Institution

Po Box 7007

Marianna, FL 32447

A New Life Sober & Transitional Living
12505 East 37th pl. Tulsa Ok 74146
918-652-1494
www.anewlifeliving.com

August 10th, 2023

Dear Sebastian,

This is in reference to your phone interview on August 1st, 2023. We are glad to inform you that you have been selected as our Case Manager I at A New Life Sober & Transitional Living.

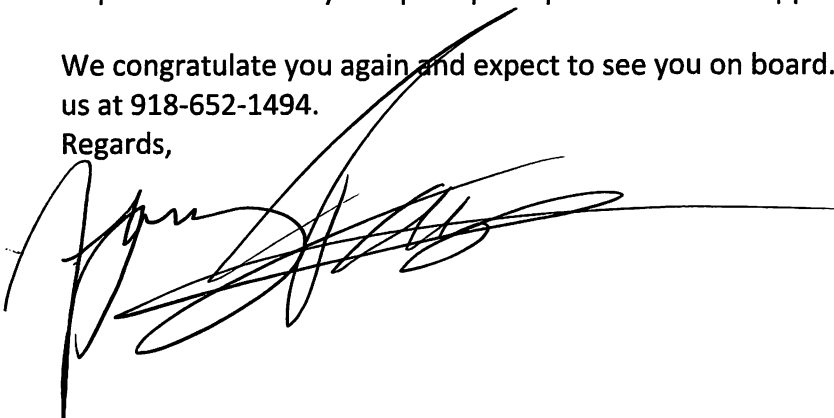
This full-time job opportunity is from 8:00 a.m. to whenever you finish, five to six days a week. Your monthly salary will be determined by how many clients there are at each time. The proposed joining date is the first week of you being released from federal prison. Initially, it is a two-year contract but is extendable per your performance. The first three months would be a probation period. You will obtain your Certification and your NPI number to be able to bill through the state during this time. The job duties are as follows:

- Coordinate and provide care that is safe, timely, effective, efficient, equitable, and client centered.
- Handle case assignments, draft service plans, review case progress, and determine case closure.
- Facilitate multiple care aspects (case coordination, information sharing, etc.)
- Help patients make informed decisions by acting as their advocate regarding their clinical status and treatment options.
- Develop effective working relations and cooperate with a medical team throughout the entire case management process.
- Arrange abeyances with social services, health, and governmental agencies.
- Take the extra mile and interact with patients to keep track of their progress and to ensure satisfaction.
- Record case information, complete accurately all necessary forms, and produce statistical reports.
- Assess and address motivational and psychosocial issues.
- Adhere to professional standards as outlined by protocols, rules, and regulations.
- Provide each client with the resources that they may need

Please review the offer and get back to us by September 1st, 2023. Per request, we have already performed a background check and once you come on as staff a drug screening will be required. Your timely and prompt response would be appreciated.

We congratulate you again and expect to see you on board. For any questions, you can contact us at 918-652-1494.

Regards,

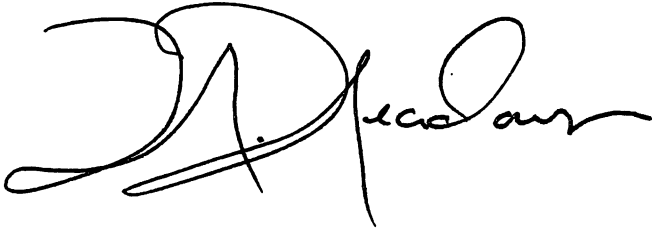
A large, stylized handwritten signature in black ink, appearing to be 'John Smith', written over the 'Regards,' text.

To Whom It May Concern,

This is to recognize Sebastian Cobelo and his distinguished service throughout his course of treatment in the Residential Drug Abuse Program at FCI Marianna. He has been an active participant in the program and upon transition has continued to be a pillar in the Modified Therapeutic Community.

Mr. Cobelo transitioned on November 9th, 2022, and remained in the unit as an active member. He consistently provides constructive feedback and addresses his peer's behavior. He has continued to serve as the Chairman of the Interpersonal Committee. This service crew provides interventions to other participants who are struggling with cognitions or behaviors that are not in line with treatment.

Mr. Cobelo has also been able to work well with treatment staff and other authority figures around the institution. He has kept an institutional job and sought roles of increased responsibility.

A handwritten signature in black ink, appearing to read 'M. Meadows', with a large, stylized initial 'M'.

M. Meadows

DTS

Staff Sponsor



Certificate of Achievement

PRESENTED TO

Sebastian Cobelo

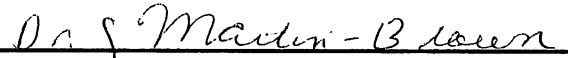
For successfully completing the residential portion of the

Residential Drug Abuse Treatment Program

This milestone, while significant, is not the completion of the treatment requirements. Sebastian Cobelo is hereby eligible to move forward to the follow-up and/or community treatment components of RDAP.



Kevin D. Pistro, Psy. D., Warden



Dr. C.N. Martin-Brown, Chief Psychologist



Dr. K. Sapp, Program Coordinator

Certificate of Completion

Presented to

Sebastian, Cobelo 05043-089

For successfully completing the

Drug Abuse Education Course

The Drug Abuse Education Course is a minimum of 12 hours. The goal of this program is to help the offender to make an accurate evaluation of the consequences of his/her alcohol/drug use and consider the need for treatment.


A. Johnson DTS 5/24/2021
FCI Marianna Institution

CERTIFICATE OF COMPLETION


THIS CERTIFIES THAT

Sebastian Cabelo

Has successfully completed the National Parenting Program Course Work at
FCC Yazoo City, Mississippi

NATIONAL PARENTING PROGRAM PHASE I

September 2 2020


L. Hendelison / Parenting
Coordinator

CERTIFICATE OF COMPLETION

This is to certify that

Sebastian Obelo 05043-089

Has completed the course

National Parenting

SPC Green

Instructor's Signature

September 13, 2023

Date

FCI MARIANNA, FL

Certificate of Completion

Awarded to

Cobelo, Sebastian

For Successfully Completion of
Public Speaking

Awarded this 30th day of May 2023.



FCI Marianna
Education Department

Certificate of Achievement

Presented to

Sebastian Cobelo

For Successfully Completing the

Living a Healthy Life with Chronic Conditions

Sponsored by FCI M.NA Recreation Department

On this 21st Day of November Two Thousand Twenty-Two



Program Coordinator, J. Mills

Certificate of Completion

is presented to

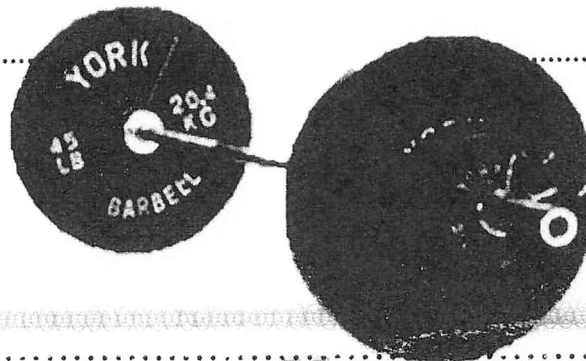
Sebastian Cabelo

for

Completion of Seeking Strength

An 18 Hour Psychology Services Group at FCI Marianna

E. Griffin, DTS
Signature




2/22/2024
Date

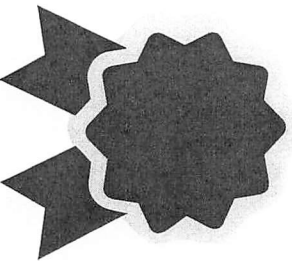
Certificate of Completion

THIS IS TO CERTIFY THAT

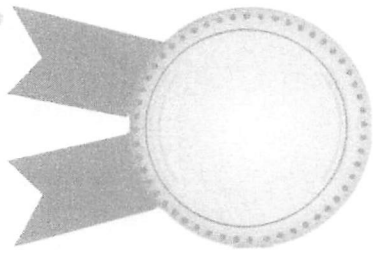
Sebastian Cobelo

Has successfully completed the
Financial Management ACE Class


Teacher




Date



CERTIFICATE OF COMPLETION

Presented to

Sebastian Eobelo

For successfully completing

FSA Program

“Walk with Ease”

by Arthritis Foundation

On this 1st Day of October Two Thousand Twenty-Two

Sponsored by FCI MNA Recreation Department

Program Coordinator, B. Hearn

Certificate of Achievement

Presented to

Mr. Sebastian Cobelo

for Successfully Completing the

Managing Your Diabetes Class

Sponsored by FCI MNA Recreation Department
On this 18th Day of March Two Thousand Twenty-One



Program Coordinator, R. Speights

Certificate of Achievement

Presented to

Mr. Sebastian Cobelo

for Successfully Completing the

Talking to your Doctor Class

Sponsored by FCI MNA Recreation Department

On this 05th Day of Feb Two Thousand Twenty-One



Program Coordinator, R. Speights